

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jerald Louis Whitley

Docket No. 7:07-CR-142-1FL

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jerald Louis Whitley, who, upon an earlier plea of guilty to Conspiracy to Possess With the Intent to Distribute More than 500 Grams of Cocaine, in violation of 21 U.S.C. § 846, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A) , was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on September 15, 2008, to the custody of the Bureau of Prisons for a term of 93 months on Count 1 and 60 months on Count 8, to be served consecutively for a total of 153 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On August 5, 2013, pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was reduced to 77 months.

On December 8, 2014, pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was further reduced to 64 months.

Jerald Louis Whitley was released from custody on June 7, 2016, at which time the term of supervised release commenced.

On December 19, 2016, United States Probation Officer Michael Dilda submitted a Violation Report notifying the court that Whitley was maintaining contact with a convicted felon and that he failed to report law enforcement contact to his probation officer within 72 hours. Whitley was verbally reprimanded and the court agreed with the officer's recommendation to continue supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On November 27, 2017, the defendant submitted to urinalysis that the lab determined to be inconsistent with human urine. The undersigned officer confronted him on December 29, 2017, and Whitley admitted to using a "cleanse" to cover up the marijuana he used five days earlier. On December 29, 2017, the defendant submitted to urinalysis that returned positive for marijuana. The undersigned officer confronted him on January 11, 2018, and the defendant admitted to using marijuana. As a sanction for these violations, the probation officer respectfully recommends the conditions of supervised release be modified to include the DROPS program at the second use level. Whitley has also been referred to East Coast Counseling for an assessment and treatment, enrolled in the surprise urinalysis program, and supervision contacts will be increased.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the

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probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield

Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam

Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: January 23, 2018

ORDER OF THE COURT

Considered and ordered this 23rd day of January, 2018, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge